

State v. Society:

Public Land Law and Mormon Settlement in the Sevier Valley, Utah

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Nineteenth-century public land law was fashioned to encourage westward-moving pioneer families to settle and develop the nation's public domain. Coupled with the township and range system of land subdivision, the various public land measures promoted a sense of individualism among settlers who etched their single-family farms into the rectangular grid imposed on the land. Although most federal land measures were designed to settle the western prairies and subhumid plains, they were also used to alienate land in the arid intermountain West. No matter what the regional context, geographers have shown that the nation's land settlement laws generally resulted, as intended, in the dispersal of a rural population, but the ensuing intensity of rural settlement is linked to the environmental setting in which the different land alienation policies were applied as well as to the specific provisions incorporated into each land measure.¹

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1. See, for example, C. Baron McIntosh, "Forest Lieu Selections in the Sand Hills of Nebraska," *Annals of the Association of American Geographers* 64 (March 1974): 87-99; C. Baron McIntosh, "Use and Abuse of the Timber Culture Act," *Annals of the Association of American Geographers* 65 (September 1975): 347-62; C. Baron McIntosh, "Patterns from Land Alienation Maps," *Annals of the Association of American Geographers* 66 (December 1976): 570-92; William L. Preston, *Vanishing Landscapes: Land and Life in the Tulare Lake Basin* (Berkeley: University of California Press, 1981), 97-112; John G. Rice, "The Effect of Land Alienation on Settlement," *Annals of the Association of American Geographers* 68 (March 1978): 61-72; Jeffrey B. Roet, "Land Quality and Land Alienation

The earliest settlements in the Great Basin frontier, however, preceded the region's absorption into the nation's public land disposal system. With the founding of Salt Lake City in July 1847, colonization of present-day Utah was undertaken by the Mormons, who, for more than two decades, were entirely disconnected from the federal land alienation process. Guided by ecclesiastical authority and relying on communal and cooperative action, a penchant that conflicted with the individualistic tendencies promoted by the federal government, the Mormons established hundreds of settlements in their self-proclaimed Deseret. The twenty-two-year interval between initial settlement and the absorption of Utah into the nation's public land system gave church leaders the opportunity to colonize and subdivide lands in accordance with their own ideas, even though the Mormons held no legal title to their lands. The plan of the "City of Zion," first applied by the Mormons in Kirtland, Ohio, was adopted, whereby town properties were of sufficient size to accommodate house, barn, garden, corrals, granaries, and so forth, while village farmers worked small irrigated plots surrounding their settlements. Unity, homogeneity, joint action, and group planning all stamped the Mormon frontier as unique, in contrast to the random, scattered, and rather chaotic frontier found elsewhere in the West.²

on the Dry Farming Frontier," *Professional Geographer* 37 (May 1985): 173–83; Robert A. Sauder, "The Impact of the Agricultural College Act on Land Alienation in California," *Professional Geographer* 36 (February 1984): 28–39; Robert A. Sauder, "Patenting an Arid Frontier: Use and Abuse of the Public Land Laws in Owens Valley, California," *Annals of the Association of American Geographers* 79 (December 1989): 544–69; Robert A. Sauder and Rose M. Sauder, "Regional Variations in Land Alienation: The Agricultural College Act of 1862," *Journal of Historical Geography* 12 (October 1986): 365–80; Robert A. Sauder and Rose M. Sauder, "The Morrill Act's Influence on Public Land Disposal After 1870," *Agricultural History* 61 (Spring 1987): 34–49.

2. Milton R. Hunter, *Brigham Young the Colonizer* (Salt Lake City: Deseret News Press, 1940); D. W. Meinig, "The Mormon Culture Region: Strategies and Patterns in the Geography of the American West," *Annals of the Association of American Geographers* 55 (June 1965): 191–220; Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830–1900* (Cambridge: Harvard University Press, 1958); Feramorz Y. Fox, "The Mormon Land System: A Study of the Settlement and Utilization of Land Under the Direction of the Mormon Church" (Ph.D. diss., Northwestern University, 1932). Fox points out that the land laws in territorial Utah before the establishment of the Salt Lake District Land Office were to regulate and secure rights of possession only. Lowry Nelson, *The Mormon Village: A Pattern and Technique of Land Settlement* (Salt Lake City: University of Utah Press, 1952); Joseph E. Spencer, "The Middle Virgin River Valley, Utah: A Study in Culture Growth and Change" (Ph.D. diss., University of California, Berkeley, 1936), 83–84.

The inauguration of the Salt Lake City District Land Office in March 1869 enabled Mormons to secure federal patents to their land holdings, but their established settlement pattern did not mesh with the requirements imposed by the federal land system. According to the provisions of homestead and preemption laws, continuous residence on the land entry for a specified time period was required before a federal patent would be issued. Since Mormons generally lived in their respective farm villages instead of on their individual outlying parcels, neither law was suited to Mormon settlement conditions. Moreover, the average size of individual Mormon holdings tended to be much smaller than the minimum required for entry under the federal land system. Nevertheless, the newly opened land office found itself swamped with business.³

Numerous scholars cite the Mormon use of a trusteeship system to procure federal title to their holdings. Land owners banded together and appointed one of their number as a trustee who filed the land entry, then deeded the small tracts to the rightful owners after a patent was obtained. It is unknown how widespread this practice was because few studies have utilized public land records to decipher which of the significant nineteenth-century federal land measures were employed by the Mormons to perfect their land titles. Lawrence B. Lee concluded that the trusteeship system was *de rigueur* with respect to homesteading, and that the land officers often "winked" at major violations of the Homestead Act requirements. Lowry Nelson determined that at American Fork the trusteeship system was employed both in connection with the preemption and homestead laws. Wayne L. Wahlquist, in his geographical appraisal of settlement processes along the Wasatch Front, also found that trustees were used in both homestead and preemption entries.⁴

3. Fox, "The Mormon Land System," 108; Hunter, *Brigham Young the Colonizer*, 147; Lawrence B. Lee, "Homesteading in Zion," *Utah Historical Quarterly* 28 (January 1960): 31; Nelson, *The Mormon Village*, 139–40; George W. Rollins, "Land Policies of the United States as Applied to Utah to 1910," *Utah Historical Quarterly* 20 (July 1952): 241; George Thomas, *The Development of Institutions Under Irrigation, With Special Reference to Early Utah Conditions* (New York: Macmillan Co., 1920), 39–40; Gustive O. Larson, "Land Contest in Early Utah," *Utah Historical Quarterly* 29 (October 1961): 323; Wayne L. Wahlquist, "Settlement Processes in the Mormon Core Area, 1847–1890" (Ph.D. diss., University of Nebraska, Lincoln, 1974), 214.

4. Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (Chicago: University of Chicago Press, 1942), 256; Fox, "The Mormon Land System," 109; Hunter, *Brigham Young the Colonizer*, 148;

These studies address how the conflicting land systems were reconciled in areas where the federal system was superimposed over regions that had already experienced Mormon settlement. But Mormon expansion within the Great Basin frontier persisted for thirty years after the public land laws were extended to Utah, and no work has specifically examined the effect of federal land legislation on Mormon settlement patterns in these subsequently settled areas. Some Mormon scholars, nevertheless, infer that the influence of the land laws, as well as other factors, led to more isolated farmsteads in Mormon country after 1869.⁵ Was church or federal policy more influential in shaping Mormon settlement patterns in the post-1869 era? Did the majority of Mormon pioneers continue to look to the church for guidance in land matters, or did they surrender to the centrifugal influences of federal land policy? This study documents the manner in which the Mormon and federal land systems operated in one region of Utah that was occupied after 1869 in an attempt to ascertain the influence of each on land alienation and settlement.

The middle Sevier Valley, that portion of the Sevier Valley located between Richfield and Monroe, Utah (Figure 1), was selected for detailed investigation for several reasons. First, although settlement of the valley was initiated by the Mormons in the 1860s, *permanent* occupation began in 1870, approximately a year and a half after the opening of the Salt Lake City District Land Office. Second, all of the important nineteenth-century public land measures were used to alienate land in the valley. Finally, geographer Donald W. Meinig, in his study of the Mormon culture region, identified a

Wells A. Hutchins, "Mutual Irrigation Companies in Utah," Utah Agricultural Experiment Station, *Bulletin No. 199*, 1927, 15; Larson, "Land Contest in Early Utah," 324; Lee, "Homesteading in Zion," 35; Lawrence B. Lee, "The Homestead Act: Vision and Reality," *Utah Historical Quarterly* 30 (Summer 1962): 228, 230; Nelson, *The Mormon Village*, 140, 188; Rollins, "Land Policies of the United States as Applied to Utah," 244; Joseph E. Spencer, "The Development of Agricultural Villages in Southern Utah," *Agricultural History* 14 (October 1940): 185; Thomas, *The Development of Institutions Under Irrigation*, 40–41; Wahlquist, "Settlement Processes in the Mormon Core Area," 218.

5. Charles S. Peterson, "Imprint of Agricultural Systems on the Utah Landscape," in *The Mormon Role in the Settlement of the West*, ed. Richard H. Jackson (Provo: Brigham Young University Press, 1978), 97; Lowell C. Bennion, "A Geographer's Discovery of Great Basin Kingdom," in *Great Basin Kingdom Revisited—Contemporary Perspectives*, ed. Thomas G. Alexander (Logan: Utah State University Press, 1991), 126; Gary B. Peterson and Lowell C. Bennion, *Sanpete Scenes: A Guide to Utah's Heart* (Eureka, Utah: Basin/Plateau Press, 1987), 69.

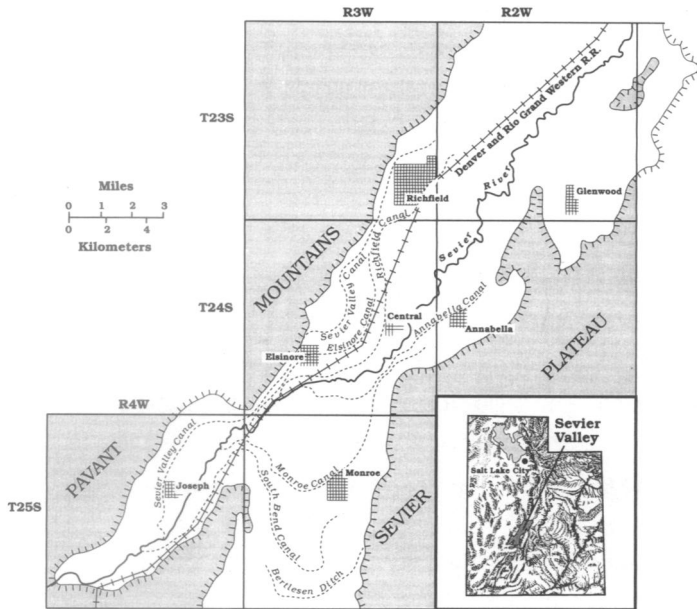


Figure 1. The Sevier Valley. Inset map of Utah from *Landforms of the United States*, copyright by Erwin Raisz, 1954. *Reprinted with permission by Raisz Landform Maps.*

Mormon *core*, *domain*, and *sphere*. Located 160 miles south of Salt Lake City, the Sevier Valley falls within Meinig's *domain*, "the most thoroughly Mormon area" in a numerical sense, one which has remained strongly rural and provincial.⁶ Consequently, the patterns of settlement that became established in the valley should still be evident in the landscape.

The Sevier Valley is drained by the Sevier River, which rises on the Colorado Plateau in southern Utah and flows north through a series of canyons and small irrigated valleys until reaching Joseph, where it emerges from a deep canyon into a more open landscape. Here the river courses across the western edge of the Colorado Plateau before turning northwest into the Great Basin, then southwest toward its termination at Sevier Lake. Between Richfield and Monroe the Sevier Valley averages 5,300–5,400 feet in elevation, is approximately seven miles wide, and is bordered by the Pavant

6. Meinig, "The Mormon Culture Region," 215.

Range on the west and the Sevier Plateau on the east. Richfield and Monroe grew into the most important early centers in the region, with several smaller communities including Glenwood, Annabella, Central, Elsinore, and Joseph scattered across the valley floor.

Land alienation data were extracted from land office tract books, and from copies of master title plats and historical indices in order to map the progress and the process of land disposal in the Sevier Valley. But evidence of how the requirements of a specific land measure were met is found in land office case files.⁷ The case files for all patented land entries in one township (T24S R3W) were examined in order to uncover the methods employed by the Mormons to gain legal title to their holdings. County deed records for sample entries in T24S R3W were also examined to determine the incidence of land subdivision/land transfer after patent was issued. These data, used in combination with county cadastral maps and the earliest United States Geological Survey quadrangle available for the region, disclose whether federal land policy modified the traditional Mormon settlement pattern.

In 1849, two years after the founding of Salt Lake City, Church President Brigham Young petitioned Congress to recognize the Mormon State of Deseret which comprised much of the territory recently acquired from Mexico via the Treaty of Guadalupe Hidalgo. Congress refused to accept Deseret, and instead substituted a Utah Territory half as large, with Brigham Young appointed the first governor. The concept of Deseret, nevertheless, remained real for the Mormons, if unrecognized by the nation, because the philosophy behind the colonization of Utah Territory, as with the original Deseret, involved "the directed movement of an entire new community according to plans carefully worked out by church authorities."⁸

With the conviction of divine sanction of location, and isolated from the federal land alienation process, the Mormons made their own land laws. Brigham Young devised the Mormon land system, formulating a fairly

7. Land office case files containing land entry papers for each land act are included in Record Group 49, Records of the General Land Office, and are housed in the Washington National Records Center in Suitland, Maryland [Hereafter referred to as RG49]. They are organized by case file numbers according to land act under each district land office. Each case file contains all of the documentation compiled on a given parcel of ground in connection with a specific entry. Once the file was complete and all provisions of the law satisfied, a patent was issued by the General Land Office.

8. Arrington, *Great Basin Kingdom*, 89.

consistent strategy that promoted the social and religious aims of the church and the welfare of the community in preference to that of the individual. Mormons believed that "If the property was dedicated to the Lord, surely his servants, the prophets, had the ultimate disposal of it.... And it mattered little what was the nature of the land laws of the nation in which their Zion was located."⁹

Even though the Mormons were at the outset remote from the federal land alienation process, some features of the Mormon land system are important to an understanding of their later use of the nation's public land laws. Under the Mormon system, land was free except for nominal survey and recording fees, and responsibility for its distribution rested with local bishops. Although village properties were large, farm parcels were small, the latter generally ranging between five and twenty acres. Property rights were conditional upon beneficial use; that is, no one could take more land than they could actually plow, plant, and fence, or more water than they needed to irrigate. Because a large population essential to the design of the church required that later arrivals in a settlement have a fair chance to acquire good land, the standard of full utilization was strictly adhered to and land speculation strongly condemned. These precepts, then, were generally used by the Mormons to preempt all of the irrigable locations over as wide an area as human resources would permit in order to discourage the influx of Gentiles.¹⁰

But by the late 1860s Gentile interest in Utah lands was growing in response to coal and other mineral discoveries and to the pending completion of the nation's first transcontinental railroad. Congress previously had been advised to wait on the establishment of a land office in Utah "until a different policy may be devised...to induce other than Mormon emigration to the Territory."¹¹ The changing circumstances now were indeed inducing "other than Mormon emigration" to Utah, and Congress responded by

9. Larson, "Land Contest in Early Utah," 310; Fox, "The Mormon Land System," 1; Hunter, *Brigham Young the Colonizer*, 155; Leonard J. Arrington, "Property Among the Mormons," *Rural Sociology* 16 (December 1951): 344.

10. Fox, "The Mormon Land System," 149; Feramorz Y. Fox, "Experiment in Utopia: The United Order of Richfield, 1874-1877," *Utah Historical Quarterly* 32 (Fall 1964): 371; Hunter, *Brigham Young the Colonizer*, 129-130.

11. Larson, "Land Contest in Early Utah," 317.

making provisions for the disposal of Utah's public lands. The Salt Lake City District Land Office and the extension of the preemption and homestead laws to Utah received presidential approval in July 1868, and the new land office opened for business the following March.

Permanent settlement of the Sevier Valley began in the summer of 1870, but nearly four years elapsed before the first land entry in the valley, the Richfield town site, was filed in the Salt Lake City District Land Office. This action launched the first phase of land alienation in the valley, which continued to the end of the decade. But there was no initial surge of land activity in the Sevier Valley partially because it had not yet undergone the many years of settlement and improvement that characterized other regions of Utah, and also because much of the earliest irrigated farmland was encompassed by the valley's early town site entries. Additionally, the Sevier Valley's distance and isolation from the newly completed transcontinental railroad kept the number of non-Mormons (potential claims jumpers) in the region inconsequential. Finally, the valley's best-watered lands along its east side were not yet encompassed by the original federal land survey in the region. Entries on these east-side lands could not be filed until the land was surveyed and the survey plats deposited in the Salt Lake City District Land Office.

Charles Mogo completed the first federal survey of the Sevier Valley in October 1856, but he fractionally subdivided the region's six townships only, focusing on the central and west side of the valley (Figure 2). With the exception of the Richfield town site and a handful of scattered parcels that fell within the limits of the Mogo survey, most of the earliest town site and non-town site entries concentrated on the valley's east side between Glenwood and Monroe (Figure 3). These sites were selected for early entry because they were closer to the streams that emerged from the mouths of their canyons, giving pioneers easy access to water as they extended their ditches to their newly planted fields. In April 1876, at the request of Sevier County's probate judge George Bean, A. D. Ferron was sent into the region to survey the valley's east side (Figure 2). Ferron returned two years later to complete the survey of the valley's remaining arable lands located primarily in its south end.¹²

12. Settlers on unsurveyed land, who desired to perfect their titles, could secure its survey by advancing the cost of the survey. This sum subsequently could be used to pay for their land under the Preemption Act as soon as the survey was completed and the plats filed in the district land

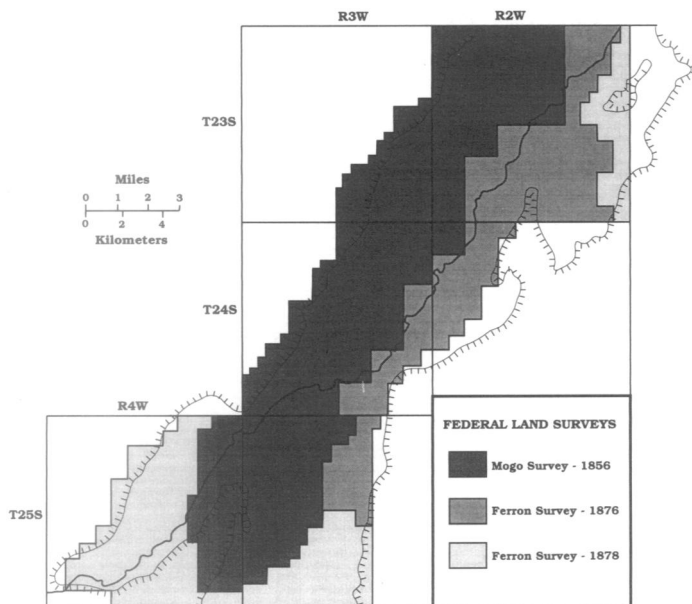


Figure 2. Federal land surveys in the Sevier Valley. Source: Survey Plats, Bureau of Land Management, Salt Lake City.

With the completion of Ferron's 1876 survey, nothing hindered Sevier Valley residents from initiating the process that would enable them to perfect title to the east-side lands, yet, at the time of Ferron's final survey in the spring of 1878 only thirteen entries amounting to 2,760 acres had been filed in the entire valley, and nearly half of this acreage comprised the town sites of Richfield and Monroe. The paucity of land activity concerned local church leaders. When the fourth quarterly conference of Sevier Stake convened in May 1878, not long after a major reorganization of Sevier Stake had taken place in the previous summer, probate judge George Bean, Sevier Stake president Franklin Spencer, and Mormon apostle Orson Hyde, each strongly encouraged valley residents to begin the process of securing title to their lands. Apparently Sevier Valley residents were awaiting guidance from local

office. See *Deseret News*, 29 October 1873; *Report of the Commissioner of the General Land Office*, 46th Cong., 2d sess., H. Ex. Doc. 1, serial 1910 (Washington: Government Printing Office, 1879), 414; Paul W. Gates, *History of Public Land Law Development* (Washington, D.C.: Government Printing Office, 1968), 439–40.

church leaders, for the frequency of land entries increased dramatically in subsequent months. A year and a half later, at the close of the initial phase of land alienation, nearly ten thousand acres, or approximately one-quarter of the valley's total patented acreage, were under patented entry (Table 1 and Figure 3).¹³

Land activity continued at a relatively rapid pace during the second phase of land disposal, lasting to the mid-1880s. In this five-year span an additional twelve thousand acres were alienated. As the ditches of the early pioneers were enlarged and extended, the lower-lying valley lands, which originally were used as common pasture ground, were taken up. New arrivals in the valley were able to put in their crops immediately by taking advantage of the work that had already been completed on the ditches, but they were required to earn their right to take the water by helping to extend the ditches later. These second phase entries generally advanced westward into the heart of the valley (Figure 3).

With the disposal of lands on the valley floor, only the higher bench lands remained to be brought into private ownership, and the final phase of land alienation, lasting to the turn of the century, was initiated with the construction of highline canals to water the alluvial slopes. Work on the largest of these enterprises, known as the Sevier Valley Canal, was begun in 1885. It left the Sevier River at Joseph, and traced northeast toward Richfield. By 1888 fifteen miles of canal had been completed, bringing three thousand acres of bench land along the valley's west side under irrigation. A few years later, in 1892, the South Bend Canal was organized, and in 1894 Sevier River water began to flow through this canal, irrigating the lower bench lands to the west and south of Monroe.¹⁴ At the same time, the Bertlesen Ditch, taking its water from a tributary stream, was dug to irrigate the alluvial slopes above

13. Total number and acreage of entries for the spring of 1878 compiled from Salt Lake City District Land Office Tract Books, Master Title Plats and Historical Indices, Bureau of Land Management, Salt Lake City; "General Minutes," Sevier Stake, LR 8243, series 11, vol. 1, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City, 1878 [Hereafter "General Minutes," Sevier Stake, LR 8243]. Orson Hyde, at the request of Brigham Young, presided over Sanpete and Sevier stakes from 1860 until his death in 1878. He was one of the Quorum of Twelve Apostles who, as a group, were equal in power and authority to the First Presidency, the latter consisting of Brigham Young and his counselors.

14. *Deseret News*, 29 August 1888; Wilford Murdock and Mildred Murdock, *Monroe, Utah: Its First One Hundred Years* (Monroe: Monroe Centennial Committee and Monroe City, 1964), 27.

Table 1. Land Alienation in the Sevier Valley by Land Act, 1874-1900

	<i>Phase I</i> 1874–1880 Acres	<i>Phase II</i> 1880–1885 Acres	<i>Phase III</i> 1885–1900 Acres	<i>Total</i> Acres	<i>Percent of</i> <i>Total</i>
Homestead	6,280	7,960	9,400	23,640	56.6
Preemption	2,320	3,560	3,880	9,760	23.3
Desert Land	160	400	4,400	4,960	11.9
Town Site	1,720	200	960	2,880	6.9
Timber Culture	–	240	320	560	1.3
Total	10,480	12,360	18,960	41,800	100.0

SOURCES: Salt Lake City District Land Office Tract Books; Master Title Plats and Historical Indices for T23S R2W, T23S R3W, T24S R2W, T24S R3W, T25S R3W, T25S R4W, Salt Lake City Meridian.

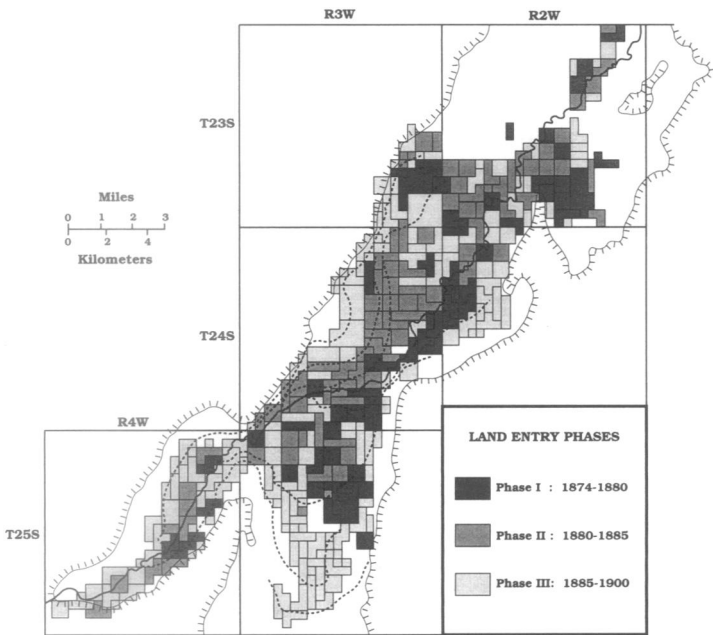


Figure 3. The progress of land alienation in the Sevier Valley. Sources: Salt Lake City District Land Office Tract Books; Master Title Plats and Historical Indices, Bureau of Land Management, Salt Lake City.

the South Bend Canal. Nearly nineteen thousand acres were alienated during the final phase of land disposal in the Sevier Valley, most of which were located on the fringes of the valley in proximity to one of these canals (Figure 3). By 1900 the bulk of the valley's irrigable land had been alienated under a variety of public land measures.

In 1874, when the first Sevier Valley land entry was filed, four land alienation measures were operable: the Preemption Act of 1841, the Homestead Act of 1862, the Townsite Act of 1867, and the Timber Culture Act of 1873. In 1877 the Desert Land Act received congressional approval, providing an additional option. Homesteading was by far the most popular route to securing title to the land during each of the valley's settlement phases (Table 1). The total amount of acreage homesteaded was more than double that of preemption, followed by desert land, town site, and timber culture entries. The Mormon paradox prevailed here as elsewhere in the territory; church authorities, on the one hand, encouraged the rapid alienation of Mormon land holdings, but, on the other hand, they considered the federal land laws, particularly the Preemption and Homestead acts, unsuited to their peculiar needs. Only the Townsite Act, which allowed for the alienation of small irrigated plots within town site limits, seemed to be somewhat tailored to their specific requirements.¹⁵ Judging from the amount of land alienated under the Townsite Act, this land measure appears rather inconsequential to the land alienation process in the Sevier Valley. It did, however, play a more important role in bringing irrigated farmland into private ownership than the figure suggests.

Officially known as "An Act for the Relief of Inhabitants of Cities and Towns Upon the Public Lands," the Townsite Law gained congressional approval on 2 March 1867, but its application in Utah, as with the Preemption and Homestead laws, was postponed until the Salt Lake City District Land Office was established. The Townsite Act was the first land measure to which the colonists of Utah became the immediate beneficiaries; likewise the earliest land entry in the Sevier Valley was for the Richfield town site, filed in 1874.¹⁶ The Townsite law allowed the corporate authorities of incorpo-

15. Lee, "The Homestead Act," 227.

16. Andrew L. Neff, *History of Utah, 1847-1869*, ed. Leland M. Creer (Salt Lake City: Deseret News Press, 1940), 688.

rated places, generally the mayor, or in unincorporated places the county's probate judge, to enter the land occupied by the town "in trust for the several use and benefit of the occupants thereof," paying the standard government price of \$1.25 per acre. The mayor or probate judge then executed deeds to each lot holder after title was conveyed by the government. Town site entries generally encompassed more land than just the town plat; normally they also included irrigated farmland outside the town limits. The size of town site entries related to the population of each settlement. As much as 320 acres could legally be entered if the town's inhabitants numbered between one hundred and two hundred; towns with two hundred to one thousand residents were eligible for a 640-acre entry, while those containing a population larger than one thousand could acquire up to 1,280 acres, or two full sections. The Townsite Act, in effect, established a legal precedent for use of the trustee system, which was employed by homesteaders and preemptors in Utah to secure title to the land Mormons had been cultivating for years.

Five Sevier Valley town site entries were filed in the 1870s and 1880s (Figure 4). Each of these towns was settled several years prior to their respective town site entry; Richfield, Glenwood, and Monroe were founded in 1870, Joseph in 1872, and Elsinore in 1874, and each was subdivided into "City of Zion" grids with wide streets and ample building lots. Richfield, the largest town and county seat, took the maximum amount of land to which it was entitled, 640 acres, while the remaining towns of Monroe, Glenwood, Joseph, and Elsinore entered 560 acres, 520 acres, 240 acres, and 200 acres, respectively, less land than they were legally entitled, but more than sufficient to encompass the town plat, as well as the cultivated fields in their immediate vicinity. Evidence based on the use of the Townsite Act in the Sevier Valley suggests that Utah's absorption into the nation's public land system initially, at least, had little effect on altering the traditional Mormon farm village settlement pattern.¹⁷

17. Land office case files for the Richfield and Elsinore town site entries are incomplete, but those for the Glenwood, Joseph, and Monroe entries all mention cultivation within the town site. In the case of Glenwood, Judge Bean testified that the "Land is used by inhabitants...for purposes of trade, manufacturing and as an agricultural town. Land is nearly all cultivated." Although not applicable to the Sevier Valley, many incorporated towns elsewhere in Utah employed a unique provision of territorial law which allowed them to protect substantial blocks of land surrounding

In contrast to the Townsite Act, the homestead and preemption laws were unsuitable for convenient Mormon land alienation, assuming that church authorities continued to advocate the clustering of Latter-day Saints into farm villages. Nevertheless, the Sevier Valley Mormons chose homesteading as the most popular route to land ownership. More than one-half of the valley's patented acreage was disposed of in this fashion, while nearly one-quarter was alienated under the Preemption Act. Many of the earliest homestead and preemption entries clustered near town sites (Figures 3 and 4), the exception being Elsinore, where, prior to the platting of the town, its residents took up land two miles to the east. Few early homestead or preemption entries were made in the vicinity of Richfield simply because the 640-acre town site encompassed most of the adjoining farmlands.

Homesteaders could enter 80-, 120-, or 160-acre parcels (later the minimum was reduced to 40 acres), but they and their families were required to reside on their entry continuously for five years and make various improvements during that period before proving up and gaining title to the land. Preemptors could enter 40- to 160-acre parcels (in 40-acre increments), but they could prove up anytime between six and thirty months of continuous residence. While homesteads were free, excluding filing and affidavit fees, preemptors were required to pay \$1.25 per acre at the time of proof. If preemptors were unable to raise the necessary cash after thirty months, they could transmute their entry to a homestead, with the period of residence being deducted from the five-year homestead requirement. Both preemptors and homesteaders were required to make an oath that the land was entered for their exclusive use and benefit, and not for any other person.¹⁸

The *Deseret News*, during the last three decades of the nineteenth century, carried all announcements dealing with the nation's public land laws. As an

their town sites from public land entry. In Utah, the limits of some incorporated places extended far beyond all possible need for municipal purposes, sometimes comprising as much as thirty-six square miles. Contemporary law specified that land within corporate limits could not be preempted or homesteaded. The far-reaching corporate limits, therefore, protected a community's potential agricultural land from non-Mormon entry. Congress repealed this law in 1876, opening to entry land included within corporate limits, but excluded from town site limits. The *Deseret News* applauded the change, even though liberal corporate boundaries in Utah were clearly designed as a defensive measure to preserve as much land as possible for the original settlers. See, for example, *Deseret News*, 3 May 1876; Anderson, *Desert Saints*, 253.

18. *Deseret News*, 19 March 1879.

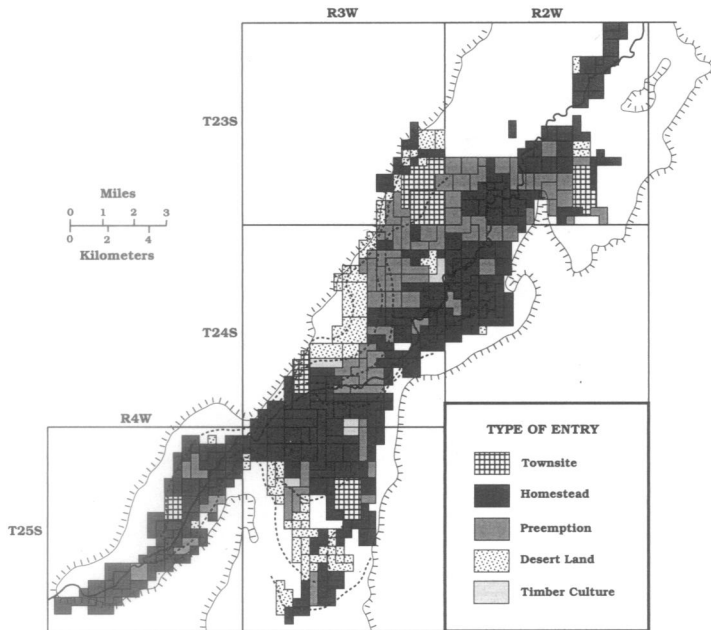


Figure 4. Land alienation in the Sevier Valley by type of entry. Sources: Salt Lake City Land Office Tract Books; Master Title Plats and Historical Indices, Bureau of Land Management, Salt Lake City.

additional service, in 1878 the newspaper began publishing the interpretations of favored Mormon land attorney, Charles W. Staynor, pertaining to the various land office regulations. Staynor immediately advocated that those who had not taken steps to secure government title to their lands, begin the process without delay. He also clarified the residency requirements involving preemption and homestead entries. In the matter of homestead filings, Staynor reminded readers, "The law on homesteads requires continuous and exclusive residence on the tract, the party must live with his family, he cannot have his home in town and simply go out and stay a few nights on the land every six months. The rulings are against this, therefore, it is unsafe to risk it." Regarding preemption entries, Staynor wrote, "it has become a very common idea that no particular residence is required on a tract filed on for preemption. It is thought by some that it is sufficient to merely put up a shed or 'shantie,' plough a little, stay on the land a night now and then, and

perhaps cut what grass grows spontaneously upon the tract. Others think that if they cultivate the land thoroughly in grain or other crops, water it, fence it, and otherwise look after it without residence, they have done all they need to." He pointed out that this was a "*great mistake*," that a person was not considered a settler in the eye of the law except by actual residence.¹⁹

In spite of Staynor's advice, it is commonly assumed that Mormons employed most of the ordinary subterfuges of the law to gain legal title to their holdings, that because they had established their homes in town, they never made any pretension to establish continuous residence on their land entry. Mormons rationalized that if the land laws were violated, it was not done with the idea of speculation or fraud against the government, but instead to secure title to the soil they had already reclaimed and made productive by irrigation.²⁰

If Utah residents were inclined to make use of "the ordinary subterfuges" to evade the requirements of the law, it would not have been difficult to do so. Beginning in March 1877, homestead entry papers as well as final proofs could be executed before the county probate judge, or, in his absence the clerk of court, who notarized an affidavit verifying that all provisions of the land law had been met. These papers were then sent to the Salt Lake District Land Office and on to the General Land Office for approval. In 1881 the same provision was extended to preempts. Since Mormon colonies such as the Sevier Valley settlements were dominated from the beginning by men who generally became the presiding church elders, the civil government that followed tended to be controlled by these individuals. Hence Sevier County's probate judge George Bean, who in May 1878 encouraged church members to begin the process of securing their land titles, was now authorized to notarize all land entry and final proof documents. Each of Sevier County's probate judges during the final quarter of the nineteenth century were Mormons. Land entrants could therefore make final proof affidavits before their friends and neighbors, instead of Salt Lake City District Land Office officials. And an examination of the case files for all patented homestead and

19. Ibid., 16 October 1878, and 19 March and 23 July 1879.

20. Lee, "Homesteading in Zion," 32; Lee, "The Homestead Act," 228; Charles S. Peterson, *Take Up Your Mission: The Mormon Colonization Along the Little Colorado River, 1870-1900* (Tucson: University of Arizona Press, 1973), 165; Spencer, "The Middle Virgin River Valley," 113; Thomas, *The Development of Institutions Under Irrigation*, 40-41.

preemption entries in T24S R3W, the township which experienced the greatest amount of alienated acreage in the Sevier Valley, reveals that final proofs on only three homestead entries and the same number of preemption filings were made before the district land officers in Salt Lake City.

But to gain a clearer understanding of the process Mormons used in the Sevier Valley to alienate their lands, additional information was gleaned from the case files of preemptors and homesteaders. Since both land measures required a specified period of continuous residence, a description of the dwelling constructed on the parcel was generally included in the final proof testimony. Obtaining a detailed description of dwellings on preemption claims, however, seemed less important than that for homestead entries. Thirty final preemption entries were filed in the township, seven of which were lacking a description of the dwelling, even though each of the entrymen professed to have established continuous residence on the parcel. Most commonly the dwellings of preemptors were described as a one-room log or frame house, although three rock houses and one constructed of "adobies" were represented (Table 2). It was not uncommon for families with six to eight children to ostensibly occupy small one-room cabins. The majority of structures, based on their description and the conditions under which the land entrants and their families would have been living, were but temporary dwellings, if that, put up simply to satisfy a brief period residence. On a journey through the upper Sevier Valley in the early 1880s, Phil Robinson described the prevalence of so-called section-houses. It was a mistake, he said, to suppose that anyone ever lived in them, but instead they were erected merely to comply with the Homestead Act.²¹ Robinson's description of the section house, however, seems more fitting to those constructed by preemptors, rather than those found on homesteaded tracts.

Forty-two homestead entries were patented in T24S R3W, only one of which lacked some description of the family residence. The dwellings built by homesteaders, most of which were also of log or frame construction, generally contained dimensions that more realistically matched the size of the respective families that inhabited them (Table 3). Approximately three-fourths of the forty-two structures built by homesteaders comprised more

21. Phil Robinson, *Sinners and Saints: A Tour Across the States, and Round Them; With Three Months Among the Mormons* (Boston: Roberts Brothers, 1898), 216.

Table 2. Size and Building Materials of Dwellings
and Family Size of Preemptors in T24S R3W

<i>Case File No.</i>	<i>Description of Dwelling</i>	<i>Family Size</i>
1878	rock/20' × 22'	—
1914	— /18' × 24'	wife/4 children
1990	incomplete file	—
2210	no description	wife/6 children
2221	frame/10' × 16'	wife/7 children
2304	no description	wife/2 children
2305	no description	wife/3 children
2416	no description	wife/3 children
2435	frame/—	wife/4 children
2476	frame/14' × 16'	wife/6 children
2495	log/one room	wife/5 children
2535	rock/16' × 18	wife/3 children
2543	log/12' × 16'	wife/8 children
2545	frame/12' × 16'	wife/3 children
2561	log/—	wife/2 children
2641	frame/one room	wife/4 children
2642	frame/one room	wife/7 children
2643	log/one room	wife/8 children
2662	no description	wife/8 children
2686	frame/—	wife/3 children
2984	log/one room	wife/4 children
3082	rock/15' × 15'	no family
3146	adobie/17' × 22'/two rooms	wife/9 children
3182	log/16' × 18'	wife/3 children
3298	log/12' × 14'/one room	no family
3535	frame/15' × 16'	no family
3635	log/14' × 16'	no family
3902	log/—	wife/2 children
3903	no description	wife/6 children
4119	frame/—	no family

SOURCES: Salt Lake City District Land Office case files, preemption entries.

than one room. One suspects that the effort and expense to construct these larger dwellings were made in a sincere attempt to honor the five-year residency requirement. The briefer period of residence for preemptors meant that the provisions of the Preemption Act could be more easily evaded, and, since the land was purchased at \$1.25 per acre rather than acquired without cost as in the case of homesteads, there was probably greater leniency exhibited toward preemption proofs.

Table 3. Size and Building Materials of Dwellings
and Family Size of Homesteaders in T24S R3W

<i>Case File No.</i>	<i>Description of Dwelling</i>	<i>Family Size</i>
1466	log/one room	wife/5 children
1467	log/—	wife/7 children
1482	log/—	wife/2 children
1497	stone/—	wife/11 children
1798	log/15' × 20'	wife/5 children
1854	log/two rooms	widow/9 children
1868	log/15' × 17'	wife/3 children
1885	log/two rooms	wife/3 children
1928	two log houses	wife/10 children
2280	log/18' × 24'/two rooms	wife/3 children
2286	log/29' × 32'/four rooms	wife/9 children
2324	adobie/three rooms	wife/6 children
2557	log/two rooms	wife/5 children
2559	log/two rooms	wife/5 children
2571	log/two rooms	wife/1 child
2580	stone/four rooms	wife/4 children
2689	frame/three rooms	wife/4 children
2915	log/two rooms	wife/6 children
2984	adobie/four rooms	—
3157	adobie & frame/two rooms	wife/3 children
3371	log/three rooms	wife/7 children
3384	rock & log/two rooms	wife/5 children
3402	stone & adobie/two rooms	wife/5 children
3432	log/two rooms	wife/1 child
3622	log & rock/two rooms	wife/3 children
3641	frame/12' × 13'	wife/2 children
3685	log/16' × 18'/one room	wife/6 children
3695	log/14' × 16'	wife/3 children
3826	log & adobie/two rooms	wife/1 child
3861	adobie/19' × 30'/four rooms	wife/2 children
3983	adobie/19' × 32'/two rooms	wife/3 children
4023	—/two rooms	wife/0 children
4037	adobie/14' × 12'/two rooms	wife/4 children
4261	log/16' × 16'	wife/1 child
4464	log/16' × 17'	wife/1 child
4498	log/16' × 35'	wife/5 children
4694	frame/—	wife/1 child
5692	brick/two rooms	wife/5 children
5890	—/two rooms	wife/7 children
5947	—/two rooms	wife/8 children
5994	log/16' × 28'/two rooms	wife/1 child
7292	frame/12' × 20'/two rooms	—

SOURCES: Salt Lake City Land Office case files, homestead entries.

Since preemption represented the fastest, and apparently an easier, route to federal patent, the question remains why homesteading was the favored choice of the majority of Mormons living not only in T24S R3W, but throughout the Sevier Valley and Utah generally. One important consideration involved the Mormon principal of free land, a concept particularly advantageous to areas that were extremely short on specie.²² Yet the case files for T24S R3W reveal that fully 40 percent of all final homestead entries originated as preemption filings that were later transmuted to homesteads.

The evidence suggests that citizenship tended to influence the type of initial entry. Non-native-born homesteaders were required to have declared their intention to become United States citizens at the time of entry and to have become naturalized citizens by the time of final proof, whereas pre-emptors, although required to declare their intention of citizenship, were not obliged to be naturalized at final proof. The Sevier Valley experienced a heavy influx of Scandinavian immigrants during the 1870s. Most had declared their intentions to become citizens but were not naturalized when their entries were made. During Sevier Stake's fourth quarterly conference, when residents of the valley were encouraged to begin the process of securing titles to their holdings, Mormon apostle Orson Hyde and Sevier Stake president Franklin Spencer each discussed the necessity, and the process, of becoming citizens. The naturalization process consisted of a two-year waiting period after filing the declaration to become a citizen before application for citizenship could be made, and at least five years of residence in the country. As citizenship drew nearer, alien pre-emptors commonly transmuted their holdings to homestead filings, no doubt because of the fee required to prove up preemption entries. Thirteen of the nineteen transmuted entries in the township were filed by entrymen who had become naturalized citizens prior to final proof. Homesteading, on the other hand, was the favored initial choice of native-born land entrants, who patented 71 percent of all homesteads in the township.²³

The Desert Land Act ostensibly was designed by Congress to encourage

22. Charles H. Brough, *Irrigation in Utah* (Baltimore: Johns Hopkins Press, 1898), 36; Lee, "The Homestead Act," 228.

23. "General Minutes," Sevier State, LR 8243; transmuted preemption entries compiled from Salt Lake City District Land Office homestead case files, RG49.

individual settlers to build irrigation projects on their own initiative, since the act made no provision for reclamation except by individual effort. The land measure allowed entries of between 40 and 640 acres, the parcels being purchased at \$1.25 per acre, with a deposit of \$.25 per acre made at the time of filing, and the balance of \$1.00 per acre paid three years later, after at least a portion of the parcel had been brought under irrigation. Because the Desert Land Act essentially allowed irrigation works to substitute for residence, Lawrence Lee assumed that the act was heavily used in Utah. George W. Rollins, on the other hand, who examined land office reports for the period between 1877 and 1910, concluded that Utah residents showed little interest in acquiring land in this manner. Use of the Desert Land Act in the Sevier Valley, where only 12 percent of the patented acreage was disposed of in this fashion, supports Rollins's conclusion. This figure is substantially lower than the 34 percent found in the southern portion of California's Owens Valley, a number that approximates the proportion of land patented under the Desert Land Act in the entire West. Hence, although the Desert Land Act appears to have been readily adapted to Utah's needs, it was seldom employed by the Mormons, perhaps because of the expense involved. But a closer look at the use of the Desert Land Act in the Sevier Valley provides additional insight into this incongruity.²⁴

Most desert land entries in the valley were associated with the extension of three high-line canals. Construction on the largest, the Sevier Valley Canal, began in 1885, eight years after passage of the Desert Land Act. By this time valley residents had, according to the *Deseret News*, grown "strong enough" (in number) to begin irrigating the bench lands.²⁵ The canal tapped the Sevier River south of Joseph and carried water to the alluvial slopes flanking the west side of the valley (Figure 1). About ten years later, the South Bend Canal was constructed eastward from approximately the same location watering the unoccupied bench lands to the west and south of Monroe. At the same time the Bertlesen Ditch, with a different source but paralleling the South Bend Canal south of Monroe, fed water to land farther upslope. Each

24. John T. Ganoe, "The Desert Land Act in Operation, 1877-1891," *Agricultural History* 11 (April 1937): 142-57; Lee, "Homesteading in Zion," 32; Rollins, "Land Policies of the United States as Applied to Utah," 250; Sauder, "Patenting an Arid Frontier," 549.

25. *Deseret News*, 14 April 1886.

of the canals was a cooperative endeavor; farmers banded together to dig the canals then received shares of the water based on the amount of labor they had contributed.

One reason why Mormon use of the Desert Land Act did not conform to the norm might be related to the church's initial criticism of the new land measure. The *Deseret News*, one month after the measure's approval, recommended that the act be repealed during the following congressional session so that it could not be abused by capitalists and speculators. This, in fact, was the chief use of the act throughout much of the arid West as stockraisers and corporations speculating in irrigable land procured, through the use of hired agents, contiguous 640-acre tracts amounting to thousands of acres. In contrast, 52 percent of all desert land entries in the Sevier Valley were 40 acres in size, and only four parcels exceeded 160 acres. The paucity of desert land entries in the Sevier Valley, as well as their diminutive size on average, indicate that land speculation was not a motive behind the Mormons' use of this public land measure. It is also apparent that most of the Sevier Valley had already been alienated through cooperative efforts under some other land act (Figures 3 and 4). The Mormon tradition of *cooperative* irrigation contrasted with the *corporate* speculative irrigation enterprises that accounted for much of the acreage patented under the Desert Land Act elsewhere. According to Feramorz Y. Fox, 74 percent of all irrigated acreage in Utah in 1920 received water from irrigation projects that were cooperatively controlled, whereas 12 percent was watered by ditches owned by individuals or partnerships, and only 5 percent by canals that were commercially owned. The Mormon doctrines that advanced cooperation and denounced speculation are largely responsible for this result.²⁶

But much of the unpatented land served by the Sevier Valley Canal in T24S R3W was entered in three large contiguous desert land parcels of 480, 440, and 320 acres each, plus two 160-acre tracts. These filings were made within the span of a little over one month. Mormons knew full well that it was unrealistic to believe that one person could expend the necessary effort

26. Ibid., 18 April 1887; Ganoe, "The Desert Land Act in Operation, 1877-1891"; John T. Ganoe, "The Desert Land Act Since 1891," *Agricultural History* 11 (October 1937): 266-77; Sauder, "Patenting an Arid Frontier," 555-58; desert land entry parcel size compiled from Master Title Plats and Historical Indices, Bureau of Land Management, Salt Lake City; Fox, "The Mormon Land System," 136.

and funds to divert a large stream in order to prove title to such large tracts. This pattern therefore suggests that the entries were either speculative in nature or assisted by some larger coordinating body. According to Leonard J. Arrington, the prime economic problem in Mormon Utah in the late 1870s and early 1880s was overpopulation. Ongoing immigration and the natural increase in population were filling the lands then capable of irrigation. Projects to increase the supply of irrigable land were therefore sponsored by ward, stake, and general church organizations. The Sevier Valley Canal Company, which in 1884 filed for water rights to irrigate the fertile bench lands above the Richfield and Elsinore canals, was one such project.²⁷

The largest of the desert land parcels entered in connection with the Sevier Valley Canal was filed by William Ogden, Jr. in 1886, who proved up on his 480-acre parcel in 1889. Ogden, in his final proof affidavit, stated that his right for the use of water in the Sevier Valley Canal to irrigate his parcel was acquired through labor and by purchase of stock in the canal. Soon after receiving patent, Ogden subdivided and deeded fifteen tracts at an average price of \$1.81 per acre. Most were five or ten acres in size, but the largest, a thirty-five-acre tract, was purchased by the Richfield Ecclesiastical Ward. Ogden kept ten acres for himself, and eight subsequent parcels were sold during the 1890s at a significantly higher average price per acre of \$16.31. The latter figure reflects the advance of land values resulting from the ongoing improvements on the valley's bench lands. Those who had assisted in putting through the canal were rewarded with cheap land, while those who came later and thereby benefitted from the improvements already made, paid market value for their parcels. The relatively small land ownership parcels that evolved out of the former desert land tracts entered in proximity to the Sevier Valley Canal (Figure 5) reflect a coordinated effort among the Mormons to relieve what Arrington referred to as "the deterioration in the ratio of people to the land." This was incidentally confirmed by the *Deseret News* when it noted that the completion of the Sevier Valley Canal would "bring under cultivation many thousands of acres of excellent soil which will

27. Brough, *Irrigation in Utah*, 117; Arrington, *Great Basin Kingdom*, 354; Leonard J. Arrington, "Taming the Turbulent Sevier: A Story of Mormon Desert Conquest," *Western Humanities Review* 5 (Autumn 1951): 393-406.



Figure 5. (A) Land entry type, and (B) 1922 land ownership boundaries in T24S R3W near Elsinore. Sources: Salt Lake City Land Office Tract Books; Master Title Plats and Historical Indices, Bureau of Land Management, Salt Lake City; "Sevier County Section Plats Prepared During 1922 by Anton Nielsen," Sevier County Recorder, Richfield, Utah.

be divided up among the citizens of Richfield,...Elsinore and Joseph City" and that "room [would also be] afforded for a good many new comers to obtain excellent farms." To accommodate the population increase, the town sites of Elsinore and Richfield were enlarged by 160 acres and 640 acres, in 1888 and 1893, respectively.²⁸

The Timber Culture Act, which received congressional approval in 1873, was hardly used to alienate Sevier Valley lands (Table 1 and Figure 4), even though the land measure was applauded by the church. For example, in the

28. Subdivision of Ogden's desert land tract compiled from Abstract Record, Sevier County Recorder, Richfield, Utah. In earlier years, the church attempted to enforce the rule that sale price was to cover the cost of improvements only, and the increase in land values resulting from those improvements was to be ignored. This policy, however, was soon abandoned. Even Brigham Young profited handsomely from what Fox refers to as "unearned increments." Fox, "The Mormon Land System," 149; Arrington, *Great Basin Kingdom*, 354; *Deseret News*, 17 June 1885, and 14 April 1886; townsit enlargement derived from Historical Indices, Bureau of Land Management, Salt Lake City.

late 1870s, Sevier Stake president Franklin Spencer spoke of the advantages of "availing ourselves of the benefits accruing from the timber culture laws."²⁹ The church presumably advocated use of the act because it lacked a residency requirement, because the land could be obtained at no cost (except, of course, for the expense of planting trees), and because only one tree claim could be made per section, meaning that, unlike the Desert Land Act, it was less prone to be used for large-scale speculation. Since the purpose of the Timber Culture Act was to encourage the growth of timber in treeless regions, it would also bring a more settled aspect to the starkness of Utah's arid landscapes.

But the land measure was poorly adapted for use in the arid West, for only 9 percent of the tree claims in the intermountain states of Utah, Nevada, and Arizona were carried to patent. In Utah, church dogma apparently could not overcome the environmental constraints associated with tree culture in an arid environment. Hence, for most timber culture entrymen in the Sevier Valley, the land measure proved futile. Only five out of the thirty-six timber culture entries filed in the valley were carried to patent. The revised Timber Culture Act required that ten acres be planted with trees on a quarter-section entry, and if the ten acres were in living and healthy condition by the end of eight years, a patent would be issued by the federal government. One land entrant in T24S R3W reported in his final testimony that he had planted five acres with trees the first year, and seven acres more the second year. By the end of the second year one-half of the trees were dead from the first planting, primarily due to insufficient water. A second timber culture entrant recounted how he had planted no less than 2,700 trees per acre on the ten acres required by law, but found that his labor was in vain because the high levels of alkali on the land killed most of the saplings.³⁰

Although little land was actually patented under the Timber Culture Act in the Sevier Valley, before the law was repealed in 1891, the Mormons did make heavy use of the land measure through the relinquishment process. A

29. "General Minutes," Sevier Stake, LR 8243.

30. Timber culture data for the western states is found in McIntosh, "Use and Abuse of the Timber Culture Act," 361; timber culture data for Sevier Valley compiled from Historical Indices, Bureau of Land Management, Salt Lake City, and Salt Lake City District Land Office timber culture case files, RG49.

relinquishment was a voluntary cancellation of a land entry. The original land entrant filled out the proper relinquishment form, which in turn was purchased by an interested party, who then immediately filed on the tract. Those who sold relinquishments were generally speculating on the leading edge of the advancing wave of land acquisition. An important benchmark setting the Mormon frontier off from other arid frontiers of settlement was the relatively heavy use of relinquishments. In the Owens Valley, for example, not a single relinquishment was recorded during the first four decades of settlement. In most arid frontiers there was little market for relinquishments because it was uncertain whether "the tide of settlement would ever roll in." But in the Sevier Valley, 12 percent of all homestead, 23 percent of all desert land, and 78 percent of all timber culture entries were relinquished (Table 4).³¹

Assuming that relinquishments were generally sold for speculative purposes, and since there is no evidence that speculation was a primary motive behind the alienation of Sevier Valley lands, the Mormons' heavy use of relinquishments represents another incongruity. It appears that in the Sevier Valley relinquishments were employed as a holding device to reserve land either for family or for fellow church members. Since new communities were expected to receive Mormon immigrants freely, it was well-established Mormon policy to occupy irrigable lands as fully as possible in order to prevent the influx of non-Mormons. George Bean, for example, Sevier County's probate judge and the person who for a decade endorsed final proofs in the valley, was himself very active in the land entry process. He patented a preemption claim and relinquished a desert land and a timber culture entry. He entered the timber claim in 1878, which he relinquished to a family member in 1884, upon which a preemption claim was immediately filed. The most excessive use of relinquishments was associated with the Timber Culture Act because a timber land entrant was not required to live on the claim, and it could be carried for thirteen years or more, tax free, if not contested or otherwise brought to the attention of the district land officers. Perhaps this explains why Sevier Stake president Franklin Spencer encouraged mem-

31. McIntosh, "Use and Abuse of the Timber Culture Act," 358; Historical Indices, Sacramento District Office, Bureau of Land Management were examined for Owens Valley relinquishments; Sauder, "Patenting an Arid Frontier," 555.

Table 4. Canceled, Relinquished, and Patented Entries in the Sevier Valley by Land Act

	<i>Canceled Entries</i>		<i>Relinquished Entries</i>		<i>Patented Entries</i>	
	<i>No.</i>	<i>Percent</i>	<i>No.</i>	<i>Percent</i>	<i>No.</i>	<i>Percent</i>
Homestead	25	11	27	12	173	77
Desert Land	19	20	22	23	54	57
Timber Culture	3	8	28	78	5	14

SOURCES: Historical Indices for T23S R2W, T23S R3W, T24S R2W, T24S R3W, T25S R3W, T25S R4W, Salt Lake City Meridian.

bers of his stake to “avail” themselves of the Timber Culture Act, while probate judge George Bean also “commended the timber culture act” in May 1878.³²

Most successful by far among the available land measures in bringing land into private ownership was the Homestead Act, with 77 percent of all homestead entries in the Sevier Valley’s six townships being carried to patent (Table 4). This is an exceedingly high figure for any region, let alone an arid one. In the generously watered northern half of the Owens Valley, for example, Sauder found that 60 percent of all homestead entries were carried to patent, a figure that compared favorably with the patent to cancellation ratio in more humid regions. And Lee determined that in 1879 only 20 percent of Utah’s homestead land entrants failed to perfect their entries. The cooperative spirit that permeated Mormon life, in contrast to the individualistic principles found in other frontiers, no doubt accounts for the uniquely successful operation of the Homestead Act in Mormon country.³³

An examination of the cadastral and settlement patterns that evolved in the vicinity of the town of Elsinore in T24S R3W helps to clarify whether Utah’s absorption into the national land system set into motion centrifugal

32. Fox, “Experiment in Utopia, 371; George Bean’s land entry activity derived from Land Office Tract Books, Bureau of Land Management, Salt Lake City; Gates, *History of Public Land Law Development*, 400; “General Minutes,” Sevier Stake, LR 8243.

33. The Preemption Act cannot be compared with the other land measures because abandoned or relinquished preemption filings were not accounted for; that is, final preemption entries only were recorded in the land office tract books. Sauder, “Patenting an Arid Frontier,” 553; Lee, “Homesteading in Zion,” 36.

forces to create a more characteristic Western pattern of settlement, or whether Mormon pioneers continued to look to the church for direction in land matters, resulting in the persistence of the original church-sponsored farm village settlement pattern. Elsinore is one of several towns in the Sevier Valley that was spawned by the rapid growth of Richfield during the 1870s. Five years after the opening of the Salt Lake District Land Office, in the spring of 1874, some farmers, seeking more land than was available near Richfield, took up unoccupied tracts under the Richfield Irrigation Canal two miles to the east of the present site of Elsinore. A few months later, after receiving the endorsement of then Sevier Stake president Joseph Young, they built a new settlement closer to their cultivated fields. The town site of Elsinore was selected and surveyed, and a new irrigation canal, the Elsinore Canal, was begun. The town plat followed the "City of Zion" plan, consisting of thirty-two lots, fifteen by fifteen rods each, and streets five rods wide.³⁴

Regardless of the type of land entry near Elsinore, most patented parcels were subsequently subdivided into significantly smaller holdings (Figure 5). A survey of property transfers for the homestead entries shown in Figure 5 disclosed that an average of 7.5 deeds were recorded per homestead immediately after patent was issued, and an additional 5 deeds were logged at some later date. Lee found that a similar pattern of land distribution was followed in areas that had been settled much earlier near Salt Lake City. When the Elsinore experience is linked to Lee's findings, one must conclude that the trusteeship system, which was commonly used to gain title to Mormon lands settled prior to 1869, remained in vogue long after public land legislation was extended to Utah. Also, we have seen that dwellings built to satisfy the residence requirements of the Preemption Act, which accounted for nearly one-quarter of the Sevier Valley's patented acreage, probably were not built for habitation. On the other hand, residences constructed to comply with the Homestead Act, which accounted for 56 percent of the patented acreage in the Sevier Valley, appear to have been built for legitimate residence. In fact, in the early 1880s, the scattering influence of homesteading was so pronounced in the heart of the Sevier Valley that Robinson came

34. Ken C. Hansen, "Up the Ditch: The History of Elsinore, Utah, 1874-1977" (master's thesis, Utah State University, 1978); "Manuscript Histories of the Units of the Church, Sevier Stake," LR 2592, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

upon what he thought was a deserted ranch house but which turned out to be the “‘meeting house’ for the scattered ranches round.” Robinson’s observation coincided in time when homesteaders in the valley were in the process of proving up on their claims by making a respectable attempt to live on their scattered parcels. But did these Sevier Valley farm dwellings become permanent residences, or did they merely represent an earnest effort by homesteaders to comply with the five-year residency requirement before returning to their respective farm villages?³⁵

One must conclude that the majority of farmsteads were abandoned after the homesteads were carried to patent, for the settlement pattern found in T24S R2W and T24S R3W as late as 1940 reflects less random scattering of farmsteads than one would expect to find in an intensively settled western frontier such as this (Figure 6). Former church historian Andrew Jensen, in his visits to nearly every Mormon village in the 1890s to gather historical records, corroborated this situation, reporting that “Most of the people [in Elsinore Ward] live in the town of Elsinore, while a few families reside...on their farms.” By 1940 individual farmsteads were generally found immediately outside town limits along roads leading to other settlements. Peterson argues that homesteading contributed to this pattern because the homestead represented opportunity for the first generation of native Utahans, who, by the 1880s, were in need of land. This emerging dispersal of farmsteads, however, was more the result of a growing population and restricted space within the valley’s original town sites than of the application of the Homestead and Preemption laws in the Sevier Valley. Annabella’s attenuated northern boundary, created at the time of its incorporation in 1910, appears to be an attempt to encompass several outlying farmsteads (Figure 6).³⁶

Church leaders as late as 1882, in fact, sought to discourage the possible deleterious effects of dispersal tendencies growing out of the Homestead Act. In a church-sponsored letter written in December of that year to guide leaders of newly organized colonies, the following was recommended:

35. Property transfers in the vicinity of Elsinore compiled from Abstract Record, Sevier County Recorder, Richfield, Utah; Lee, “Homesteading in Zion,” 35–36; Robinson, *Sinners and Saints*, 183.

36. Andrew Jensen, *Encyclopedic History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Desert News Publishing Co., 1941), 223; Peterson, “Imprint of Agricultural Systems,” 99.

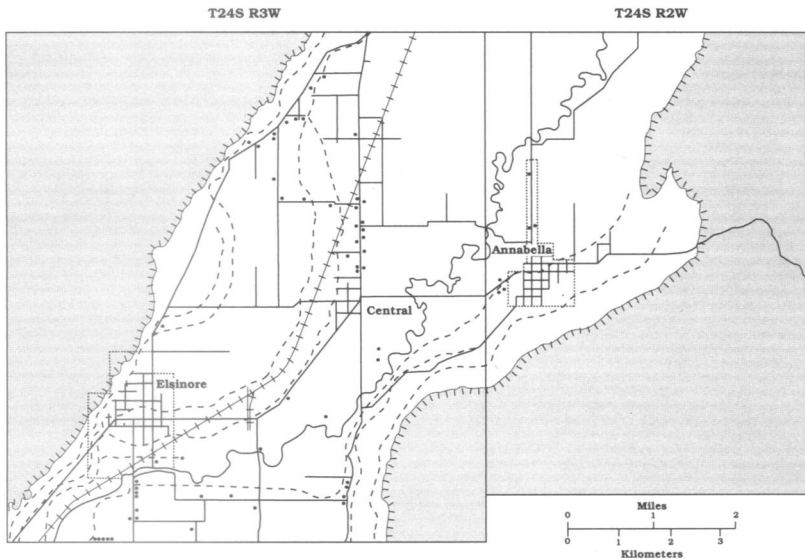


Figure 6. Settlement pattern in T24S R2W and T24S R3W, 1940. Each dot represents one dwelling located beyond the limits of the built-up areas of Elsinore, Central, and Annabella. Source: U.S. Department of Interior, Geological Survey, Monroe Quadrangle, 1:62,500, 1940.

In all cases in making new settlements the Saints should be advised to gather together in villages, as has been our custom from the time of our earliest settlement in these mountain valleys. The advantages of this plan, instead of carelessly scattering out over a wide extent of country, are many and obvious to all those who have a desire to serve the Lord. By this means the people can retain their ecclesiastical organizations, have regular meetings of the quorums of the Priesthood and establish and maintain day and Sunday schools, Improvement Associations, and Relief Societies. They can also cooperate for the good of all in financial and secular matters, in making ditches, fencing fields, building bridges and other necessary improvements. Further...their compact organization gives them many advantages of a social and civil character which might be lost, misapplied or frittered away by spreading out so thinly that inter-communication is difficult, dangerous, inconvenient, or expensive. In doing this, however, it would be well not to interfere with homestead entries, or to embarrass new settlers too much, but to have it positively understood that this method

must be adopted in your settlements. While the families are gathered in settlements there can be no disadvantage in having the farms outside, within easy reach...the same as in our older settlements. A spirit to spread far and wide out of sight and reach of the authorities of the Church must be discountenanced, as all Latter-day Saints must yield obedience to the laws of the Gospel and the order of the Kingdom of God....³⁷

As the above quote illustrates, the Mormon village by this time had become more than an important element in Mormon worship; it was also the locus of self-policing control, and, according to Charles Peterson, it was not uncommon for Church leaders to act upon isolated Mormon farmsteads to transform them into villages. Elsinore essentially originated in this fashion, and the evolution of the small community of Annabella also confirms this process. Church records indicate that settlers in this part of the Sevier Valley originally “lived on their respective quarter sections.” In the spring of 1883, soon after the above directive was disseminated, the town site of Annabella was surveyed and “the people commenced to build on it at once.”³⁸

The evidence from the Sevier Valley does not necessarily contradict Peterson’s notion that the “homestead was a landscape of coming Americanization and transition” in Mormon country. Lowell C. Bennion, for example, grouped the settlements described in Andrew Jensen’s *Encyclopedic History* into four categories including compact (nucleated) villages, dispersed (linear) villages, mixed (half of the population living in town, the other half scattered on outlying homesteads), and unknown (lacking a description by Jensen). Bennion determined that half of the settlements in Utah were compact, 30 percent were dispersed, 7 percent were mixed, while 13 percent were designated unknown. Based on Jensen’s description of the settlement pattern in Elsinore Ward, this community would readily fit into the compact category. In those areas that were sanctioned, if not directed by the Mormon hierarchy, and which remained heavily Mormon through time, such as the Sevier Valley (in 1936, 99.7 percent of all church adherents in Sevier County were Latter-day Saints), the dispersed family farmstead appears to have been a transitory

37. Quoted in Fox, “The Mormon Land System,” 93.

38. Peterson, “Imprint of Agricultural Systems,” 92–93; “Manuscript Histories of the Units of the Church, Sevier Stake,” LR 10681, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

landscape feature. The nucleated farm village surrounded by an open field landscape comprised of small irrigated parcels generally became the norm even though the federal land laws were operating in the region prior to settlement (Figure 7). Elsinore today exhibits many of the landscape features, including wide streets, roadside irrigation ditches, barns, and granaries in town, that Richard Francaviglia identified as unique to the Mormon farm village. In fact, the entire Sevier Valley falls within Francaviglia's *visual nucleus* where "one finds the classic Mormon landscape best developed."³⁹

Meinig concluded that the Mormon region will long endure as a major pattern within the American West, and that it therefore warrants far greater attention by American geographers than it has received in the past. This examination of land alienation and settlement in one region of Mormon country that experienced settlement after the nation's public land laws were extended to Utah contributes another chapter to our understanding of Mormon settlement processes. It illustrates how a cohesive community of individuals working toward common goals finessed the federal land laws to its advantage in order to perpetuate a familiar pattern of settlement. The meaning of Francaviglia's observation that "Though dispersed settlement is found in many Mormon areas, the classic village situation advocated by early church leaders still persists," takes on a new dimension when viewed within the context of the application of the significant nineteenth-century public land measures, for this study demonstrates how the Mormons retained control of their settlement processes and patterns in spite of the centrifugal influences of the various federal land laws. But it is also important to emphasize that in doing so the Mormons achieved far greater success in their use of most of the public land settlement laws than was generally realized in the West.⁴⁰

39. Peterson, "Imprint of Agricultural Systems," 102; Bennion, "A Geographer's Discovery," 117. Church membership figure for Sevier County computed from data in U.S. Bureau of the Census, *Religious Bodies: 1936, Volume 1, Summary and Detailed Tables*, Table 32 (Washington, D.C.: Government Printing Office, 1941); Richard V. Francaviglia, "The Mormon Landscape: Definition of An Image in the American West," *Proceedings of the Association of American Geographers* 2 (1970): 59–61.

40. Meinig, "The Mormon Culture Region," 220; Francaviglia, "The Mormon Landscape," 60.



Figure 7. Aerial photo of Elsinore and surrounding farmland, 1950. Source: U.S. Department of Agriculture.